

AKSAY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA)

Case No.

03:08-2 MJ 9:25
'08 MJ 0998 *AKS*

VS)

COMPLAINT FOR VIOLATION OF
21 U.S.C. Sections 952 & 960,
Importation of a Controlled Substance

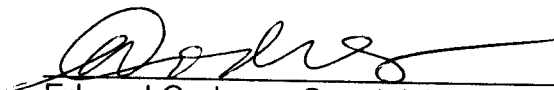
Jorge Luis VERA-Lopez)

The undersigned complainant being duly sworn states:

COUNT 1

That on or about April 1, 2008, within the Southern District of California, Jorge Luis VERA-Lopez did knowingly and intentionally import approximately 3.84 kilograms of Heroin, a Schedule I Controlled Substance, into the United States from a place outside thereof; in violation of Title 21, United States Code, Sections 952 and 960.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



Edward Coderes, Special Agent
U.S. Immigration and
Customs Enforcement

Sworn to before me and subscribed in my presence, this 2nd day of April 2008.



United States Magistrate-Judge

CR

PROBABLE CAUSE STATEMENT

I, Special Agent Edward Coderes declare under penalty of perjury, the following is true and correct.

On April 1, 2008, at approximately 0730 hours, Jorge Luis VERA-Lopez presented himself for entry into the United States from Mexico, at the Otay Mesa, CA Port of Entry (POE) as the driver and sole occupant of a red 1994 GMC Sierra pickup bearing Baja California Mexico license plate number AM08118.

While conducting pre-primary operations, Customs and Border Protection Officer/Canine Enforcement Officer (CBP/CEO) Sigifredo Delgado and his assigned Narcotic/Human Detector Dog (N/HDD) "UNITED" (U-03), along with CBP/CEO Eric Hendee targeted the red GMC pick-up truck that VERA was driving. Upon screening the vehicle "UNITED" alerted to the passenger side firewall area. At this time CBP/CEO Delgado instructed VERA to turn off his vehicle. CBP/CEO Hendee contacted VERA and obtained two (2) negative Customs declarations. When asked if the truck belonged to VERA, VERA stated that he owns the vehicle. When asked about his destination, VERA stated that he was going to a junkyard in Chula Vista. At this time, VERA was escorted to the secondary lot for a more thorough inspection of his vehicle.

While in secondary, CBP/CEO Delgado found a hidden compartment between the dashboard and the firewall of the vehicle. At this time, CBP/CEO Hendee handcuffed VERA and escorted him to the security office without further incident. CBPO Jo McInvale conducted the seven (7) point inspection of the vehicle. CBPO McInvale removed six (6) packages wrapped in support

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stockings and packaging tape, with a total net weight of 3.84 kilograms (8.45 pounds), containing a brown granular substance which field-tested positive for the characteristics of Heroin.

On April 1, 2008, at approximately 0900 hours, Post Miranda, VERA, agreed to make a statement to U.S. Immigration and Customs Enforcement (ICE) Special Agents (SA) Edward Coderes and Enrique Martinez.

A video-recorded interview in Spanish of VERA was conducted in the presence of the undersigned ICE Special Agents Coderes and Martinez. VERA was read his Miranda Rights in the presence of these agents, waived his rights and executed a written waiver, which indicated that he agreed to answer questions without an attorney present. During the interview, VERA was lucid and did not appear to be ill, intoxicated or under the influence of drugs. He was alert, responsive and appeared capable of communicating, and he offered appropriate responses to questions. He did not appear to be unusually nervous or fearful. VERA did not request or receive any bodily comforts during the interview and no promises or threats were made to elicit the statement. No breaks were taken during the interview and it ended at approximately 0940 hours.

During the interview, VERA made the following statements. VERA stated that he knew there was Heroin in the truck. VERA stated that the truck belonged to him. VERA further stated that he was to be paid \$2,000 U.S. Currency to drive the truck to the parking lot of the shopping center in San Ysidro, California where he would leave the vehicle. VERA also stated that shortly after the drop-off, unidentified individuals will pick-up the vehicle then returns it the following day for

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him to pick up and drive back to Mexico leaving his payment inside the glove box. Finally, VERA stated that he has been doing this at least once a week, or every ten days, for the past three months.

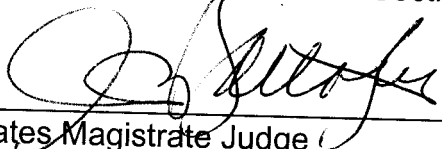
Jorge Luis VERA-Lopez was arrested and transported to the Metropolitan Correctional Center, San Diego, CA, for custody and judicial proceedings.

Executed on April 1, 2008 at 1430 hours

Edward Coderes
Special Agent

U.S. Immigration and Customs Enforcement (ICE)

On the basis of the facts presented in the probable cause statement consisting of three (3) pages, I find probable cause to believe that the defendant Jorge Luis VERA-Lopez named in the probable cause statement committed the offense on April 1, 2008 in violation of Title 21, United States Code, Section (s) 952 & 960 and United States Code Section 2.


United States Magistrate Judge

4/2/08 9 AM